

**FINAL PLANNING COMMISSION DRAFT
“GROWER STANDS, FARM STANDS
AND FARM MARKETS IN
AGRICULTURAL ZONING DISTRICTS ORDINANCE”**

ORDINANCE NO. 2007- **PLANNING COMMISSION DRAFT**

GROWER STANDS, FARM STANDS AND FARM MARKETS
IN AGRICULTURAL ZONING DISTRICTS

The Contra Costa County Board of Supervisors ordains as follows (omitting the parenthetical footnotes from the official text of the enacted or amended provisions of the County Ordinance Code):

SECTION I. SUMMARY. This ordinance establishes size and location standards, sales restrictions, and other regulations governing grower stands, farm stands and farm markets in agricultural zoning districts.

SECTION II. Chapter 88-20 is added to the County Ordinance Code, to read:

Chapter 88-20
AGRICULTURAL FARM STANDS AND FARM MARKETS

Article 88-20.2
General Provisions

88-20.202 Purpose and Intent. The purpose of this chapter is to establish zoning regulations to allow for the direct marketing of farm products from agricultural producers to consumers, which the California Legislature has found benefits the agricultural community and the consumer. (Food and Agricultural Code, sections 47000 and following.) This ordinance is intended to allow facilities that are accessory to on-site agricultural operations where agricultural products are produced to sell these products as specified, and is not intended to encourage the establishment of traditional retail stores or convenience markets in agricultural zoning districts. (Ord. 2007-____ § 2.)

88-20.204 Definitions. For purposes of this chapter, the following words and phrases have the following meanings:

- (a) "Farm market" means an area accessory to an on-site agricultural operation that is used to sell farm products, value-added farm products, and non-agricultural items, as specified, where the total sales area does not exceed 3,500 square feet.
- (b) "Farm product" includes any of the following in its raw or natural state: any agricultural, horticultural, viticultural, or vegetable product of the soil; poultry products; livestock products; and apiary products. "Farm product" does not include any livestock, poultry, fish, or shellfish.

- (c) "Farm stand" means an area accessory to an on-site agricultural operation that is used primarily to sell farm products, value-added farm products, and non-agricultural items, as specified, where the total sales area does not exceed 1,500 square feet.
- (d) "Grower stand" means an area accessory to an on-site agricultural operation that is used to sell farm products produced on-site or proximate to the site, as specified, where the total sales area does not exceed 1,500 square feet.
- (e) "Non-agricultural item" means any item offered for sale other than farm products and value-added farm products.
- (f) "Total sales area" means the total area of all outdoor sales areas and all indoor sales areas.
- (g) "Value-added farm product" means a farm product that has been changed from its natural state to an item in a different form through canning, drying, freezing, preserving, fermenting, compounding, processing, packing, or a similar alteration, so as to increase the value of the farm product. (Ord. 2007- ____ § 2.)

Article 88-20.4 Standards

88-20.402 General Development Standards. A grower stand, farm stand or farm market shall comply with the following development standards:

- (a) One grower stand, farm stand, or farm market that complies with the provisions of this chapter may be located on any legal lot in an agricultural district (A-2, A-3, A-4, A-20, A-40, and A-80). Only one grower stand, farm stand, or farm market is allowed per lot.
- (b) A grower stand, farm stand, or farm market is allowed only if it is accessory to an on-site agricultural operation where farm products are produced. If the lot is used for agriculture as defined in section 82-4.206 of this code but no farm products are produced on-site, then no grower stand, farm stand, or farm market shall be allowed on the lot.
- (c) Size.
 - (1) A grower stand, farm stand, or farm market may consist of one or more outdoor sales display areas, one or more structures with an indoor sales area, or both. All outdoor sales display areas and structures with an indoor sales area shall be contiguous.
 - (2) The total sales area of a grower stand or farm market shall not exceed 1,500 square feet.

- (3) The total sales area of a farm market shall not exceed 3,500 square feet.
- (d) A grower stand, farm stand, or farm market shall comply with the height and setback requirements that apply in the zone in which the property is located.
- (e) Parking.
 - (1) Adequate parking for consumers and employees shall be provided. If a grower stand, farm stand, or farm market consists of a structure, one off-street parking space shall be provided for each 300 square feet of structural floor area, with a minimum of two parking spaces. Each required off-street parking space shall be at least nine feet by 19 feet in size. The required parking spaces may be dirt or gravel. The required parking spaces need not be paved, striped, or otherwise improved, but must be identifiable.
 - (2) Safe access to and from a public road shall be provided with a durable, dustless surface, such as gravel or a similar permeable surface, or asphalt. A defined point of ingress and egress shall be provided.
 - (3) The parking requirements of chapter 82-16 of this code do not apply to this chapter. (Ord. 2007- ____ § 2.)

88-20.404 Signs.

- (a) One or more on-site commercial signs are allowed on a lot with a grower stand, farm stand or farm market. An "on-site commercial sign" is a sign that directs attention to the business activity conducted or farm products sold or produced on the lot where the grower stand, farm stand or farm market is located.
- (b) The following on-site commercial signs may be located on a lot with a grower stand, farm stand or farm market:
 - (1) One free-standing on-site commercial sign that does not exceed 25 feet in height or the height of the tallest structure with an indoor sales area, whichever is lower, and whose total display surface area does not exceed 32 square feet if the sign is single-sided or 64 square feet if the sign is double-sided.
 - (2) Additional on-site commercial signs that are affixed directly to any structure with an indoor sales area.
 - (3) One or more additional free-standing on-site commercial signs. No additional

free-standing sign shall exceed 12 feet in height or have a display surface area greater than 16 square feet.

- (c) The total display surface area of all on-site commercial signs on a lot with a grower stand, farm stand or farm market shall not exceed 128 square feet.
- (d) No on-site commercial sign shall encroach on any public right of way.
- (e) No on-site commercial sign shall be illuminated.
- (f) All signs and sign structures shall be maintained in a safe and structurally sound manner free from deterioration, rust, rot, and loose parts. Each sign face shall be clean and neatly painted at all times.
- (g) Any temporary on-site commercial sign shall be removed when not in use.
- (h) Any on-site commercial sign or signs authorized by this chapter may contain noncommercial copy in lieu of other copy. Nothing in this chapter shall be construed as regulating or restricting the use of noncommercial copy or message on any sign allowed under this section.
- (i) If a grower stand, farm stand or farm market is lawfully established under the provisions of this chapter, on-site commercial signs that meet the requirements of this section are allowed without a separate permit.
- (j) Off-site commercial signs are prohibited on a lot with a grower stand, farm stand or farm market. An "off-site commercial sign" is an advertising sign that directs attention to a business activity conducted or product or services sold or offered at a location not on the lot where the grower stand, farm stand or farm market is located.
- (k) A variance to the regulations in this section pertaining to sign height, sign area, sign location, or number of signs allowed may be granted if all of the following conditions exist:
 - (1) Because of special circumstances at the property, including lot size, lot shape, topography, location or surroundings, the strict application of this section would deprive the applicant of privileges enjoyed at other properties in the vicinity and in the same land use district.
 - (2) The variance would not constitute a grant of special privilege that is not generally available to other properties in the vicinity and in the same land use district.

An application for a variance under this subsection shall be made and decided pursuant to article 26-2.20 of this code. (Ord. 2007- ____ § 2.)

88-20.406 Sales.

(a) Grower Stands.

- (1) A grower stand may sell farm products produced on-site or proximate to the site. Vending machines that dispense bottled or canned drinks may also be located at a grower stand.
- (2) The sale at a grower stand of any of the following is prohibited: value-added farm products; non-agricultural items, except for bottled or canned drinks dispensed from vending machines; and farm products not produced on-site or proximate to the site.

(b) Farm Stands.

- (1) A farm stand may sell farm products produced on-site or proximate to the site.
- (2) Up to 40 percent of the total sales area at a farm stand may be used for the sale of any or all of the following: value-added farm products produced on-site or proximate to the site; farm products not produced on-site or proximate to the site; and non-agricultural items. No more than 10 percent of the total sales area of a farm stand may be used for the sale of either or both of the following: non-agricultural items and farm products not produced on-site or proximate to the site.

(c) Farm Markets.

- (1) A farm market may sell farm products produced on-site or proximate to the site and value-added farm products produced on-site or proximate to the site.
- (2) Up to 20 percent of the total sales area at a farm market may be used for the sale of either or both of the following: non-agricultural items and farm products not produced on-site or proximate to the site.

(d) No petroleum products or tobacco shall be sold or dispensed at any grower stand, farm stand, or farm market.

(e) Nothing shall be sold from a motorized vehicle at any grower stand, farm stand, or farm market unless the vehicle is owned by the property owner and all sales from the vehicle are in compliance with this chapter. (Ord. 2007- ____ § 2.)

Article 88-20.6
Permits and Fees

88-20.602 Permits.

- (a) No permit is required under this chapter for a grower stand that meets the standards contained in this chapter.
- (b) A permit is required before a farm stand may be established under this chapter. An application to establish a farm stand must be made in writing and contain sufficient information to allow the Community Development Department to determine if the farm stand will meet the standards contained in this chapter. An application for a farm stand permit will be approved ministerially without discretionary review or public hearing.
- (c) A land use permit is required for a farm market. An application to establish a farm market must contain all of the information required by article 26-2.20 of this code. An application for a land use permit will be decided in accordance with article 26-2.20 of this code. (Ord. 2007- ____ § 2.)

88-20.604 Fees. Application, review, and permit fees for farm stands and farm markets will be in amounts established by the Board of Supervisors in the Community Development Department's fee schedule. (Ord. 2007- ____ § 2.)

88-20.606 Other Laws. Grower stands, farm stands, and farm markets also may be subject to ordinances, statutes and regulations administered by other county departments, including the building department, health department, public works department, and agricultural commissioner's office, and may be subject to state and federal laws and regulations. The establishment of a grower stand, farm stand, or farm market under this chapter does not relieve anyone from the obligation to obtain any other permit or license required by this code or state or federal law. (Ord. 2007- ____ § 2.)

SECTION III. Section 84-38.402 of the County Ordinance Code is amended to read:

84-38.402 Permitted.

Uses permitted in the A-2 district shall be as follows:

- (1) All types of agriculture, including general farming, wholesale horticulture and floriculture, wholesale nurseries and greenhouses, mushroom rooms, dairying, livestock production, fur farms, poultry raising, animal breeding, aviaries, apiaries, forestry, and

similar agricultural uses.

- (2) Other agricultural uses, including the erection and maintenance of buildings for the storage of agricultural products and equipment; sheds; warehouses; granaries; dehydration plants; hullers; fruit and vegetable packing plants; and agricultural cold storage plants on parcels at least ten acres in size.
- (3) A grower stand or farm stand.
- (4) A detached single-family dwelling on each parcel and the accessory structures and uses normally auxiliary to it.
- (5) Foster home or family care home operated by a public agency, or by a private agency which has obtained state or local approval (license) for the proposed operation, where not more than six minors reside on the premises with not more than two supervisory persons.
- (6) A family day care home where care, protection and supervision of twelve or fewer children in the provider's own home are provided for periods of less than twenty-four hours per day, while the parents or guardians are away.
- (7) Residential second units complying with the provisions of Chapter 82-24. (Ords. 2007-§ , 2006-19 §4, 94-28 §2, 86-43 §13, 68-25 §2, 1968, 1569, 1555, 1535: prior code § 8156(a): Ord. 1406.)

SECTION IV. Section 84-38.404 of the County Ordinance Code is amended to read:

84-38.404 Uses with land use permit.

The following uses may be allowed in an A-2 district on the issuance of a land use permit:

- (1) Home occupations.
- (2) Publicly owned parks and playground.
- (3) Dude ranches, riding academies and stables, and dog kennels.
- (4) Publicly owned buildings and structures, except as provided in Division 82.
- (5) Commercial radio and television receiving and transmitting facilities but not including broadcasting studios or business offices.
- (6) Wind energy conversion systems. This use is allowed without a land use permit if used

only as an accessory to an allowable residential or agricultural use.

- (7) A family care home where care, protection and supervision of thirteen or more children in the provider's own home are provided for periods of less than twenty-four hours per day, while the parents or guardians are away.
- (8) Hospitals, animal hospitals, eleemosynary and philanthropic institutions, and convalescent homes.
- (9) Churches, religious institutions, and parochial and private schools, including nursery schools.
- (10) Community buildings, clubs, and activities of a quasi-public, social, fraternal, or recreational character, such as golf, tennis or swimming clubs, or veterans' or fraternal organizations. These uses are prohibited if organized for monetary profit.
- (11) One additional single family dwelling.
- (12) Medical and dental offices and medical clinics.
- (13) Merchandising of agricultural supplies and services incidental to an agricultural use.
- (14) Wineries, commercial kitchens, or other facilities for creating value-added farm products.
- (15) Canneries.
- (16) Slaughterhouses and stockyards.
- (17) Rendering plants and fertilizer plants or yards.
- (18) Livestock auction or sales yards.
- (19) Living accommodations for agricultural workers to be primarily used for temporary housing of agricultural workers while performing seasonal agricultural work on the owner's property.
- (20) Commercial recreational facilities when the principal use is not in a building.
- (21) Boat storage areas within one mile by public road of a boat launching facility open to the public.
- (22) Retail firewood sales.

- (23) Recycling operations intended to sort or process material for reuse. Junkyards, defined in Section 88-4.206, are prohibited.
- (24) Museums in which objects of historical, artistic, scientific or cultural importance are preserved and displayed.
- (25) A farm market.
- (26) Agricultural cold storage plants on parcels less than ten acres in size. (Ords. 2007- § , 2003-11 § 3, 94-28 § 2, 89-46 § 2, 76-36 § 3, 7437 § 2, 60-82, 1988, 1569 § 2: prior code § 8156(b); Ords. 1406 § 3, 497 § 4, 382 § 4E).

SECTION V. Section 84-42.402 of the County Ordinance Code is amended to read:

84-42.402 Uses – Permitted.

Uses permitted in the A-4 district shall be as follows:

- (1) All types of commercial, agricultural production, including general farming, wholesale horticulture and floriculture, livestock production, aviaries, apiaries, forestry and similar agricultural uses, excepting those uses requiring a permit in Section 84-42.404.
- (2) Those agricultural and compatible uses specifically agreed upon between the county and the landowner at the time of entering into the agreement and designated in writing within the agreement.
- (3) Residential second units complying with the provisions of Chapter 82-24, provided a land use permit has been obtained pursuant to Section 84-42.404 for the detached single-family dwelling on the parcel.
- (4) A grower stand or farm stand. (Ords. 2007- § , 2006-19 §7, 68-54 §1 (part), 1968: prior code §8169(a)).

SECTION VI. Section 84-42.404 of the County Ordinance Code is amended to read:

84-42.404 Uses – Requiring land use permit.

In the A-4 district the following uses are permitted on the issuance of a land use permit:

- (1) Related commercial agricultural uses including the erection or modification of sheds, warehouses, granaries, hullers, dryers, fruit and vegetable packing and buildings for the

storage of agricultural products and equipment.

- (2) A farm market.
- (3) A detached single-family dwelling on each parcel and the accessory structures and uses normally auxiliary to it. In no event shall any residential structure be permitted to be built or additional residential structure be erected on less than forty acres per unit for non-prime agricultural land, or less than ten acres per unit of the agricultural land. A separate land use permit is required for one additional single-family dwelling on the parcel.
- (4) A home occupation.
- (5) Wholesale nurseries and greenhouses.
- (6) Hog ranches.
- (7) Dairying.
- (8) Fur farms.
- (9) Livestock and feed yards.
- (10) Poultry raising.
- (11) Commercial fish farming.
- (12) Wineries, commercial kitchens, or other facilities for creating value-added farm products.
- (13) Canneries.
- (14) Living accommodations for agricultural workers employed on the property of the owner.
- (15) Mushroom houses.
- (16) Commercial radio and television receiving and transmitting facilities but not including broadcasting studios or business offices.
- (17) Those uses described in Section 51201(e) of Government Code.
- (18) Wind energy conversion systems, except when used only as an accessory to an allowable residential or agricultural use. (Ords. 2007- § , 2006-19 §8, 2003-12 §2, 86-61 §3, 84-24 §3, 68-54 §1 (part), 1968: prior code §8169(b).)

SECTION VII. Section 84-80.402 of the County Ordinance Code is amended to read:

84-80.402 Uses – Allowed.

The following uses are allowed in the A-20 district:

- (1) All types of agriculture, including general farming, wholesale horticulture and floriculture, dairying, livestock production and breeding, poultry and grain-fed rodent raising, aviaries, apiaries, forestry, and similar agricultural uses.
- (2) Other agricultural uses, including the erection and maintenance of sheds, warehouses, granaries, dehydration plants, hullers, fruit and vegetable packing plants, and buildings for the storage of agricultural products and equipment.
- (3) A grower stand or farm stand.
- (4) A detached single-family dwelling on each legally established lot and the accessory structures and uses normally auxiliary to it.
- (5) Residential second units complying with the provisions of Chapter 82-24. (Ords. 2007-§ , 2006-19 §10, 79-108).

SECTION VIII. Section 84-80.404 of the County Ordinance Code is amended to read:

84-80.404 Uses with land use permit.

The following uses are allowable on the issuance of a land use permit:

- (1) Merchandising of agricultural supplies and services incidental to agricultural use.
- (2) Wineries, commercial kitchens, or other facilities for creating value-added farm products.
- (3) Canneries.
- (4) Cold storage plants.
- (5) Rendering plants and fertilizer plants or yards.
- (6) Livestock auction or sales yards.
- (7) Living accommodations for agricultural workers employed on the premises.

- (8) Home occupation.
- (9) Wholesale nurseries and greenhouses.
- (10) Mushroom houses.
- (11) Processing of milk not produced on premises.
- (12) Dude ranches, riding academies, stables, dog kennels.
- (13) Hospitals, eleemosynary and philanthropic institutions, convalescent homes, and animal hospitals.
- (14) Churches, religious institutions, parochial and private schools, including nursery schools.
- (15) Community buildings, clubs, activities of a quasi-public, social, fraternal or recreational character.
- (16) Medical and/or dental offices and clinics.
- (17) Boat storage area within one mile by public road of a public boat launching facility.
- (18) Oil and gas drilling and production including the installation and use of only such equipment necessary and convenient for drilling and extracting operations.
- (19) Commercial radio and television receiving and transmitting facilities other than broadcasting studios and business offices.
- (20) One additional single-family dwelling.
- (21) Wind energy conversion systems, except when used only as an accessory to an allowable residential or agricultural use.
- (22) A farm market. (Ords. 2007- § , 2006-19 §11, 86-61 §4, 84-24 §4, 79-108.)

SECTION IX. EFFECTIVE DATE. This ordinance becomes effective 30 days after passage, and within 15 days after passage shall be published once with the names of supervisors voting for or against it in the Contra Costa Times, a newspaper published in this County.

PASSED on _____, by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

ATTEST: JOHN CULLEN,
Clerk of the Board of Supervisors
and County Administrator

Board Chair

By:

Deputy

[SEAL]

TLG:

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